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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,171	04/09/2001	George M. Brookner	770P009600-US(PAR)	9225
2512	7590	01/13/2006	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			BASS, JON M	
		ART UNIT		PAPER NUMBER
				3639

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/829,171	BROOKNER ET AL.
	Examiner	Art Unit
	Jon Bass	3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 09 April 2001.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-23 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

1. In the amendment filed September 02, 2005, the following has occurred. Claims 1-23 are pending in the following application. No Claims have been amended.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 14-15, 16-18, 20-21 and 23 rejected under 35 U.S.C. 102(e) as being anticipated by Eileen Eddy et al (5,812,400) herein after referenced as Eddy.

*As Per Claim 1:*

Eddy teaches a method comprising:

- *The claim stating:* operating a device for the secure storage of funds [ {col.1, lines 12-13}, postage meter, postage meter has a storage for funds data] comprising:

- *The claim stating:* interfacing said device with a system, [{col.2, lines 15-17}, metering device (metering, postage meter) communications (interface) between the user and a remote data center (system);
- *The claim stating:* transmitting from said device to the system a present location of said device, [{col.2, lines 48-55}, meter device establish communication with data center and device communicating location data]
- *The claim stating:* comparing in a database associated with said system the present location of said device with a previously stored location, [{col.11, lines 50-53}, the location information stored in the card is checked against the location information stored in memory].
- *The claim stating:* transmitting to said device from said system an authorization to utilize said funds only if the present location is within a predetermined region associated with said previously stored location, [{col.11, lines 29-34}, correspondence between two stored location].

*As Per Claim 2:*

Eddy teaches a method comprising:

- *The claim stating:* wherein said authorization is transmitted only if the present location matches the previously stored location, [{col.11, lines 29-34}, correspondence between two stored location].

*As Per Claim 3:*

Eddy teaches a method comprising:

- *The claim stating:* wherein said device (postage meter) is licensed for use at said previously stored location, and if the comparing indicates that the device is not in the predetermined region, the system issues a new license for a region associated with the present location of said device, [{col. 10, lines 58-57}, electronic postage licensing to be operated in a location].

*As Per Claim 4:*

Eddy teaches a method comprising:

- *The claim stating:* communicating from the system to the device, data associated with the present location, [{col.2, lines 40-47}, postage meter communicates the user and the data center (system) and {col.2, lines 45-47}, locations data for storage metering device if location data is correct, this suggest that a comparison of location is being conducted in order for location to be determined].

*As Per Claim 5 and 15:*

Eddy teaches a method comprising:

- *The claim stating:* wherein said device is a postal security device, (postage meter device) and said data includes at least one of zip code, city and state information, [{col.13, lines 37-40}, zip code updates by the data center].

*As Per Claim 6:*

Eddy teaches a method comprising:

- The claim stating: powering up said device, the method being conducted when said device is powered up, (col.8, lines 22-31), various power provided to the computer and postage meter system (device).

*As Per Claim 7:*

Eddy teaches a method comprising:

- The claim stating: transmitting is done when said device establishes a contact with said system, [{col.8, lines 8-10}], communication with the metering systems.

*As Per Claim 8:*

Eddy teaches a method comprising:

- The claim stating: contact with said system is terminated after the location of said device is determined, [{.col.2, lines 40-47}], accept location data for storage in value metering device if location data is correct].

*As Per Claim 14:*

Eddy teaches a method comprising: Locating a postage meter but Eddy's doesn't explicitly mention: position locating apparatus is a global positioning system receiver.

However Eddy teaches in column 2, lines 48-57 that the device communicates to the data center. This suggests that an actual GPS system is not used but a locator system is capable of functioning in the

same manner as the GPS. One of ordinary skill in the art at the time the invention was made would have found it obvious to include: a device that is associated with a GPS system in conjunction with a locator system within the system taught by Eddy's with motivation if locating a device using Global Positioning System to operate the system more efficiently.

As Per Claim 16:

Eddy teaches a method comprising:

- The claim stating: A device for the secure storage of funds comprising: a memory for storing value of said funds, {[col.2, lines 48-57}, value metering device, storage for funds];
- The claim stating: apparatus associated with said device for determining a location of said device, {[col.2, lines 48-57}; and
- The claim stating: a communication port for providing communication between said device and a system, said device communicating said location to said system via said port, {[col.2, lines 14-15}, establish communication between user and data center].

As Per Claim 17:

Eddy teaches a method comprising:

- The claim stating: apparatus for receiving from said system an authorization to access said funds, if said location is within a predetermined region, [(col.11, lines 29-34}, correspondence between stored location after authentication processing may proceed].

As Per Claim 18:

Eddy teaches a method comprising:

- The claim stating: apparatus provides access to said funds if said location corresponds to a predetermined location, [{col.2,lines 40-47}, physical location data for storage in said value metering device location is correct].

As Per Claim 20

Eddy teaches a method comprising An arrangement for securely dispensing funds comprising: a device for the secure storage of funds, including: a memory for storing value of said funds, apparatus associated with said device for determining a location of said device;

- The claim stating: a communication port for providing communication between said device and a system, said device communicating said location to said system via said port, (col.2,lines 48-51), communicates to the value metering device];
- The claim stating: the system having a database for storing, for each device, a predetermined location, (col.2,lines 48-55) for storage in said value metering device);
- The claim stating: and apparatus in said system for providing an authorization to said device to dispense funds only if said present location is within a region associated with said predetermined location, (col.11, lines 29-34).

As Per Claim 21:

Eddy teaches a method comprising

- The claim stating: provides said authorization only if said present location matches said previously stored location, (col.2,lines 40-47), physical location data for storage in said value metering device location is correct].

As Per Claim 23:

Eddy teaches a method comprising: A device for the secure storage of funds comprising: a memory for storing value of said funds, [(col.2,lines 48-57), stored in the value metering device]

The claim stating: a communication port for providing communication with a host for said device, [{col.2, lines 40-55}, communicating to data center the location data];

The claim stating: apparatus for preventing operation of said device or said host if said device does not receive a predetermined digital coded sequence from said host or said host does not receive a predetermined digital coded sequence from said device, [{col.2, lines 40-55}, metering device accepts location data for storage if location data is correct].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-13, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eileen Eddy et al (5,812,400) in view of Linda Gravell et al (5,943,658).

*As Per Claim 9:*

Eddy teaches a method comprising: Locating a postage meter but Eddy's doesn't explicitly mention.

- The claim stating: wherein if said contact is made by telephone, the location of said device is determined by using caller identification and if said contact is not made by telephone, other means are used to determine the location.

However Gravell teaches contact is made by telephone, the location of said device is determined by using caller identification and if said contact is not made by telephone, other means are used to determine the location, [{Col.2, lines 38-49}, the caller ID feature the location of postage meter can be determined]. One of ordinary skill in the art at the time the invention was made would have found it obvious to include caller identification in conjunction with locating a postage meter with the system taught by Gravell et al with the motivation of using a telephone incorporated with caller identification to locate a postage device.

*As Per Claims 10 and 12:*

Eddy teaches a method comprising: Locating a postage meter but Eddy's doesn't explicitly mention. The claim stating: contact is made using a network, the location of said device is determined by obtaining a network address of said device.

However Gravell teaches contact is made using a network, the location of said device is determined by obtaining a network address of said device in column 1, lines 58-66, postage meters are moved to any location by means of communicating such as networks, internet and the like]. This suggests

that a network can determine the location of the device. One of ordinary skill in the art at the time the invention was made would have found it obvious to include the location of the device in conjunction with obtaining a network to locate the device within the system taught by Gravell with the motivation of locating a device with a network.

*As Per Claim 11:*

Eddy teaches a method comprising: Locating a postage meter but Eddy's doesn't explicitly mention. The claim stating: contact is made using the internet, the location of said device is determined by using internet service provider location identification.

However Gravell teaches contact is made using the internet, the location of said device is determined by using internet service provider location identification in column 1, lines 58-66, postage meters are moved to any location by means of communicating such as networks, internet and the like]. This suggests that a network can determine the location of the device. One of ordinary skill in the art at the time the invention was made would have found it obvious to include the location of the device in conjunction with obtaining a network to locate the device within the system taught by Gravell with the motivation of locating a device with a network.

*As Per Claim 13:*

Eddy teaches a method comprising: Locating a postage meter but Eddy's doesn't explicitly mention. The claim stating: device is associated with a position determining apparatus for determining its location, said device providing to said system its location as determined by said position determining apparatus.

However Gravell teaches device is associated with a position determining apparatus for determining its location, said device providing to said system its location as determined by said position determining apparatus in col.2, lines 40-47 that accept location data for storage in value metering device if location data is correct]. One of ordinary skill in the art at the time the invention was made would have found it obvious to include the position for determining the location of the device in within the system taught by Gravell et al with the motivation of determining the location of the device.

As Per Claims 19 and 22

Eddy teaches a method comprising: Locating a postage meter but Eddy's doesn't explicitly mention: apparatus for encrypting and digitally signing, or digitally signing said communication.

However Eddy teaches that identifying the dispense postage and location identifier which indicates the amount while being verified by the postal authority to authenticate the authenticity of the transaction in column 11, lines 19-45. In addition, while Eddy doesn't explicitly mention digitally signing. Digitally signing relates to verification and verification is met when the postal authority examines the transaction. One of ordinary skill in the art at the time the invention was made would have found it obvious to include: a device that is capable of digitally signing said communication for the reasons of distributing funds or assessing funds by via of postal authority authorization to make the system more efficient for operation.

### ***Conclusion***

Any concerns in regard to this communication, the examiner **Jon Bass** can be reached at

**(571) 272-6905** between the hours of 9-6pm Monday through Friday. The fax number for the establishment where the application is being process is **(571) 273-8300**.

If an attempt to reach the examiner is unsuccessful for any reason, the examiner's immediate supervisor, **John Hayes** can be reached at **(571) 272-6708**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-271-9197 (toll free).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
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Washington, D.C. 20231

*John W. Hayes*  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER

*J.W. Hayes*